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Item No. 13.1.3
Halifax and West Community Council
July 13, 2021

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: *Original Signed*

Kelly Denty, Executive Director of Planning and Development

DATE: May 6, 2021

SUBJECT: **Case 22539: Amendments to the Stage I and Stage II Development Agreements for Phase 3 of Rockingham South at the intersection of Dunbrack Street and Ruth Goldbloom Drive, Halifax**

ORIGIN

Application by WM Fares Architects.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.

RECOMMENDATION

It is recommended that Halifax and West Community Council:

1. Give notice of motion to consider the proposed Amending Stage I Development Agreement, as set out in Attachment A, to add hotel and multiple unit residential building as permitted uses for the parcel located at the northeast corner of Dunbrack Street and Ruth Goldbloom Drive, Halifax and schedule a public hearing;
2. Approve the proposed Amending Stage I Development Agreement, which shall be substantially of the same form as set out in Attachment A; and
3. Require the Amending Stage I Development Agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

Contingent upon the Stage I Amending Development Agreement coming into effect pursuant to the requirements of the *Halifax Regional Municipal Charter*, it is further recommended that the Halifax and West Community Council:

1. Approve, by resolution, the proposed Amending Stage II Development Agreement to allow for a five-storey hotel with minor commercial uses at grade or a multiple unit residential building with minor commercial uses at grade to be constructed at the corner of Dunbrack Street and Ruth Goldbloom Drive, Halifax, which shall be substantially of the same form as contained in Attachment B; and
2. Require the Amending Stage II Development Agreement to allow for a five-storey hotel with minor commercial uses at grade or a multiple unit residential building with minor commercial uses at grade to be constructed at the corner of Dunbrack Street and Ruth Goldbloom Drive, Halifax be signed by the property owners within 240 days, or any extension thereof granted by Council on request of the property owners, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, which is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

WM Fares Architects, on behalf of Rockingham South Ltd. is applying to amend an existing Stage I development agreement to permit a five-storey hotel or a multiple unit residential building at the northeast corner of Ruth Goldbloom Drive and Dunbrack Street and to amend an existing Stage II development agreement to introduce revised schedules which illustrate the look of the building.

Subject Site	Phase 3 of the Rockingham South neighbourhood, parcel COM-1
Location	Northeast corner of the intersection of Dunbrack Street and Ruth Goldbloom Drive
Regional Plan Designation	Urban Settlement (US)
Community Plan Designation (Map 1)	Residential Environments (RES) under the Halifax Municipal Planning Strategy
Zoning (Map 2)	Schedule K under the Halifax Mainland Land Use By-Law
Size of Site	7,144 square metres
Street Frontage	86.1 metres on Dunbrack Street and 162.8 metres on Ruth Goldbloom Drive
Current Land Use(s)	Vacant
Surrounding Use(s)	Multiple unit residential buildings to the northeast, east, and southeast; commercial to the south and southwest; and low-rise residential to the west and northwest

Proposal Details

Amendments to the Stage I and Stage II development agreements are being requested for the Rockingham South development to allow the subject site to be developed as either a five-storey hotel with ground floor commercial or a multiple unit residential building with ground floor commercial. The major aspects of the proposal are as follows:

- Add hotel and multiple unit residential building as permitted uses on parcel COM-1 and define the term “hotel” in the Stage I development agreement;
- Increase the maximum permitted multiple unit residential dwelling units from 828 to 904 in the Stage I development agreement;
- Increase the residential density from 2,245 to 2,408 persons for the entire development and from 139 persons to 302 persons for Phase 3 in the Stage I development agreement;

- Increase the permitted height on parcel COM-1 from four to five storeys for the subject site in the Stage I development agreement;
- Permit the hotel to have up to 7,600 square metres of floor area, inclusive of any minor commercial uses (any use permitted in the C-2A zone of the Halifax Mainland LUB) at grade, in the Stage I development agreement; and
- Insert new schedules in the Stage II development agreement to enable the hotel and the multiple unit residential building.

Existing Stage I and Stage II Development Agreements

Lands zoned Schedule K in the Halifax Mainland area are required by the Municipal Planning Strategy and Land Use By-law to be developed in two stages through the development agreement process. The first stage, called a Stage I development agreement, provides a comprehensive concept design for the development of the lands, including details on the street layout, parks, general types of land uses, population density, and general building and site design. The second stage, the Stage II development agreement, is guided by the Stage I development agreement. The Stage II development agreement provides detailed plans and building designs for each site or phase of the development. For the Rockingham South development, there are four phases (see Map 3), each regulated by a Stage II development agreement.

The following section of the report outlines the various development agreements and stages that have impacted the site.

Stage I Development Agreement

On March 18, 2013, Halifax and West Community Council approved the Stage I development agreement for Rockingham South. The Stage I development agreement generally:

- allows for a mixed-use development containing residential, commercial, and institutional uses;
- establishes a road network for the subdivision;
- provides a phasing plan for the development, and outlines permitted uses and density allocations for each phase; and
- provides general built form criteria for multiple unit dwellings and commercial buildings to be incorporated into future Stage II development agreements.

On February 28, 2017, Halifax and West Community Council approved a substantive amendment to the Stage I Agreement, removing Section 3.4.6 which restricted the approval of the Stage II development agreements for Phase 4 until 75% of the occupancy permits for the total number of residential units within Phases 1 through 3 had been issued.

Stage II Development Agreement – Phase 3

On April 19, 2016, Halifax and West Community Council approved the Stage II development agreement for Phase 3 Rockingham South. The agreement outlines permitted uses, siting and architectural requirements, parkland dedication, access and parking, landscaping, and signage. The agreement permitted a 2-3 storey building containing minor commercial uses (any use permitted in the C-2A zone of the Halifax Mainland Land Use By-law) on the subject site.

On October 10, 2017, Halifax and West Community Council approved an amendment to the Stage II development agreement for Phase 3 of Rockingham South. The amended agreement changed the permitted uses for the commercial property at the southeast corner of Ruth Goldbloom Drive and Dunbrack Street. This amendment permitted the inclusion of an automotive service station.

Enabling Policy and Land Use By-law Context

Implementation Policy 3.3 of the Halifax Municipal Planning Strategy (MPS) outlines the application of the Schedule K Zone. The Schedule K Zone allows for the consideration of mixed-use development on lands located in Mainland Halifax through comprehensive development in the form of a Stage I and a Stage II development agreement.

The Stage I development agreement provides the concept and design for the overall development and includes high level details related to such elements as street layouts, types of land uses, residential density, and scale of buildings. A Stage I development agreement and any subsequent amendments not identified as non-substantive require a public hearing before Council can consider approval.

Guided by the Stage I agreement, the Stage II agreement establishes detailed plans and building elevations for phases of the development. A Stage II agreement does not require a public hearing and can be approved by a resolution of Council.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and postcards mailed to residents and property owners within the notification area. Two postcards were mailed inviting residents and property owners to provide feedback. The first was sent to 245 unique addresses and asked for feedback on a proposal for a five-storey hotel. The applicant subsequently revised their proposal and another postcard was sent to addresses within the same notification area asking for feedback on a proposal for a five-storey hotel or apartment building with ground floor commercial.

Ten responses were received from individual residents in the notification radius after the first postcard was mailed. Additionally, a petition in opposition of the proposal was submitted to the Clerk's office by twenty-four residents of 30 Ruth Goldbloom Drive. Ten responses were also received from individual residents in the notification area in response to the second postcard. Attachment D contains a copy of a summary of the feedback received. The public comments received include the following topics:

- Concerns about an increase in the volume of vehicular traffic and noise;
- Suitability and impact of the proposed design, particularly the height;
- Suitability of a hotel in the neighbourhood; and
- Whether there is a need for another apartment building in the area.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed Stage I amending development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise it is reasonably consistent with the intent of the Halifax MPS. Attachment C provides an evaluation of the proposed development agreement in relation to the relevant Halifax MPS policies.

Proposed Development Agreement

Attachments A and B contain the proposed amending Stage I and Stage II development agreements, respectively, for the subject site and the conditions under which the development may occur. The proposed amending development agreements address the following matters:

- adding hotel and multiple unit residential building as a permitted use on parcel COM-1 and defining hotel (Stage I);
- increasing the maximum permitted multiple unit residential dwelling units from 828 to 904 (Stage I);

- increasing the residential density of the entire development from 2,245 to 2,408 persons, and allocating this additional 163 persons to parcel COM-1 in Phase 3 specifically (Stage I);
- increasing the permitted height from four to five storeys on parcel COM-1 (Stage I);
- permitting the gross floor area of the hotel to be up to 7,600 square metres, inclusive of any minor commercial uses at grade (Stage I); and
- incorporating schedules with the detailed design of the building and site (Stage II).

The attached amending development agreements will permit a five-storey, 7,600 square metre hotel with minor commercial uses on the ground floor or a 76-unit multiple unit residential building with minor commercial uses on the ground floor on parcel COM-1. Of the matters addressed by the proposed amending development agreements to satisfy the MPS criteria as shown in Attachment C, the following have been identified for detailed discussion.

Permitted Uses

Section 3.2.1 of the Stage I development agreement stipulates the permitted uses for each phase within the Rockingham South development. The subject site is located within the commercial portion of Phase 3. The existing agreement permits minor commercial uses permitted in the C-2A Zone of the Halifax Mainland LUB to serve both Rockingham South and the existing residential development. These uses are intended for the ground floor of the proposed apartment building.

A hotel is not a permitted use in the C-2A Zone. However, Council may consider a hotel in accordance with the policies of the Halifax MPS as per Section 68 of Schedule K.

Parcel COM-1 is designated Residential Environments under the Halifax MPS. Residential uses, including permitting density alterations, can be considered through a substantive amendment to the existing Stage I development agreement.

Definition of Hotel

The Halifax Mainland LUB defines hotel as *“a building or part of a building that contains a general kitchen and dining room and other public rooms, the remaining rooms of which contain no permanent provision for cooking and are usually hired to transients as a place of abode and is capable of accommodating at least 15 persons.”* This means hotel units could not contain permanent cooking space. As guests' temporary accommodation needs evolve, using a more flexible definition of hotel will enable the hotel interior to be designed to respond to users' needs. HRM's newly adopted Regional Centre LUB contains a more flexible definition for hotel and is the definition used in the proposed amendments. The Stage I development agreement defines hotel as: *“premises licensed as a roofed accommodation in accordance with the Tourist Accommodation Act, S.N.S., 1994-1995, c.9, as amended, and may include a motel or banquet facility use”.*

Height and Floor Area

There are two sites designated for minor commercial development under the existing Stage I development agreement: parcels COM-1 and COM-2. The Stage I development agreement allows the minor commercial buildings to be up to four-storeys in height. It also allows up to 2,350 square metres of commercial floor area to be built between COM-1 and COM-2. The permitted floor area is not changing for minor commercial development. The height requirement will be amended to allow a five-storey building on parcel COM-1 only. Parcel COM-2, which is to the south of the site, has already been developed as one-storey, approximately 679 square metre gas station, convenience store, and liquor store.

The subject site – parcel COM-1 – is situated at the intersection of Ruth Goldbloom Drive and Dunbrack Street in a commercial node with low-rise commercial buildings to the south and southeast. A seven-storey multiple unit residential building is directly to the north. To the east and southeast there are multiple unit dwellings that are similar or greater in height and mass to the proposed structure. On the other side of Dunbrack Street is an established low-rise residential neighbourhood that is screened from the proposed development by mature vegetation.

The amending Stage I agreement enables a five-storey, 7,600 square metre hotel with minor commercial uses at grade or a five-storey multiple unit residential building with minor commercial uses at grade on parcel COM-1. If parcel COM-1 is developed as a hotel, the hotel, inclusive of any space used for minor commercial uses, can have up to 7,600 square metres of floor area. Any minor commercial space at grade with either option is subject to the existing maximum permitted floor area for minor commercial development. Through the policy review, staff advise the proposed height and massing are reasonably consistent with the policies of the Halifax MPS in addition to being in keeping with the design and siting requirements of the existing agreement.

Population Density

In 1982, an engineering study known as the Mainland North Servicing Study (MNSS) was completed. The study outlines the population densities to be considered for new development in this area based on sewer, water, and road network capacities available at the time. The strategy helped guide the implementation of new development and growth to the year 2000 by assigning densities to areas of land. The densities range from 20 and 40 persons per acre (ppa). For the Rockingham South area, lands were assigned a density of 20.2 ppa. The densities in the study were theoretical values and were not incorporated into municipal regulations. However, up until the original agreement was written for Rockingham South in 2013, development in the area generally adhered to the densities assigned in the MNSS.

When the original agreement for Rockingham South was written, staff concluded it was reasonable to allow a population density of 36.38 ppa. This recommendation was based on a review of a traffic impact statement and water/sewer capacity. It also aligned with one of the themes in the Regional Municipal Planning Strategy which is to promote more development in and around the Regional Centre.

Since the MNSS was written, the context has changed. Actual development density in the area has been permitted to increase for two main reasons:

- The lands within the scope of the original study have been substantially built out and municipal engineers are able to accurately assess impacts on service capacity based on actual demand as opposed to theoretical modelling done in 1982; and
- Upgrades to the physical infrastructure in the area have increased the available capacity beyond what was present at the time of the original study.

Based on these factors, staff advise higher densities in the Rockingham South area can be considered.

Accommodating additional density in this area creates an efficient use of existing municipal infrastructure and aligns with the Regional Plan's principle theme of promoting more development within and around the Regional Centre. The proposed agreement would allow an additional 163 persons or 76 units to be built. This would result in an overall population density of approximately 39.02 ppa.

Municipal Engineers have reviewed and accepted a traffic impact statement for the proposed 76-unit multiple unit dwelling/hotel. Halifax Water has also reviewed and accepted the proposal under the condition the capacity of the downstream wastewater system must be confirmed by the developer at permitting. Any associated costs with confirming capacity are the responsibility of the developer.

Timelines for Execution of the Development Agreement

The COVID-19 pandemic has resulted in difficulties in having legal agreements signed by multiple parties in short periods of time. To recognize this difficulty these unusual circumstances presents, staff are recommending extending the signing period for agreements following a Council approval and completion of the required appeal period. While normally agreements are required to be signed within 120 days, staff recommend doubling this time period to 240 days. This extension would have no impact on the development rights held within the agreement, and the agreement could be executed in a shorter period of time if the situation permits.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise the proposal is reasonably consistent with the intent of the Halifax MPS. The existing Stage I development agreement designated the site for minor commercial development which builds on the established commercial node at the intersection of Dunbrack Street and Farnham Gate Road. Section 68 of Schedule K enables Council to consider other commercial uses such as hotels, as well as multiple unit residential development, through a substantive amendment to the Stage I development agreement. The use, design, and siting of the proposed building is compatible with the neighbourhood. Therefore, staff recommend that the Halifax and West Community Council approve the proposed amending development agreements.

FINANCIAL IMPLICATIONS

There are no budget implications. The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this proposed development agreement. The administration of the proposed development agreement can be carried out within the approved 2021-2022 budget and with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amending development agreement are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Halifax and West Community Council may choose to approve the proposed development agreement subject to modifications. Such modifications may require further negotiation with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons why the proposed agreement does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

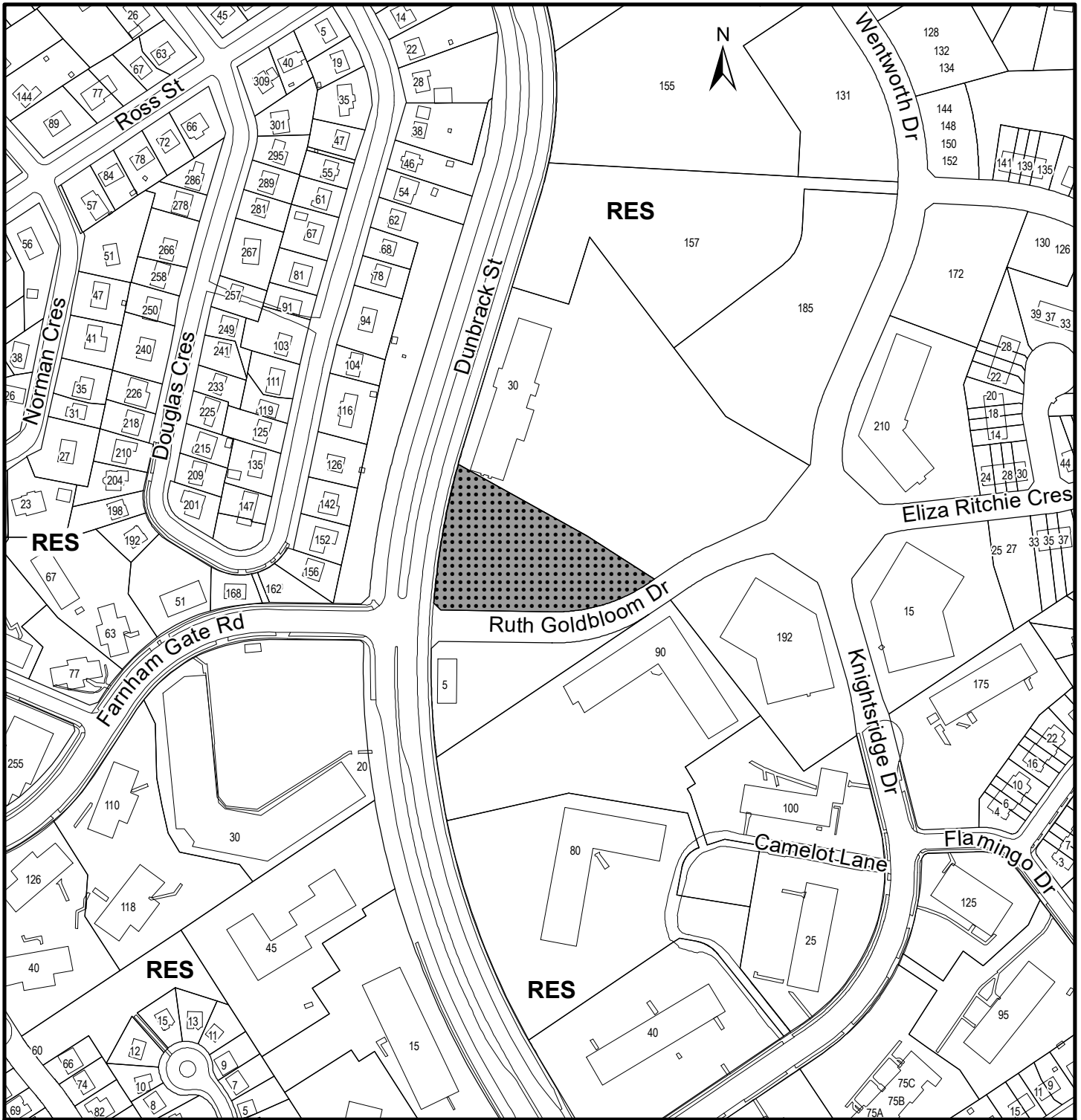
ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Map 3:	Phasing Plan for Rockingham South
Attachment A:	Proposed Amending Stage I Development Agreement

Attachment B: Proposed Amending Stage II Development Agreement
Attachment C: Review of Relevant Policies from the Halifax Municipal Planning Strategy
Attachment D: Summary of Public Feedback

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.


Report Prepared by: Meaghan Maund, Planner II, Current Planning, 902.233.0726



Map 1 - Generalized Future Land Use

Rockingham South,
Halifax



 Area for a Substantive Amendment to the existing Phase 1 and 3 of the Rockingham South Development

Designation

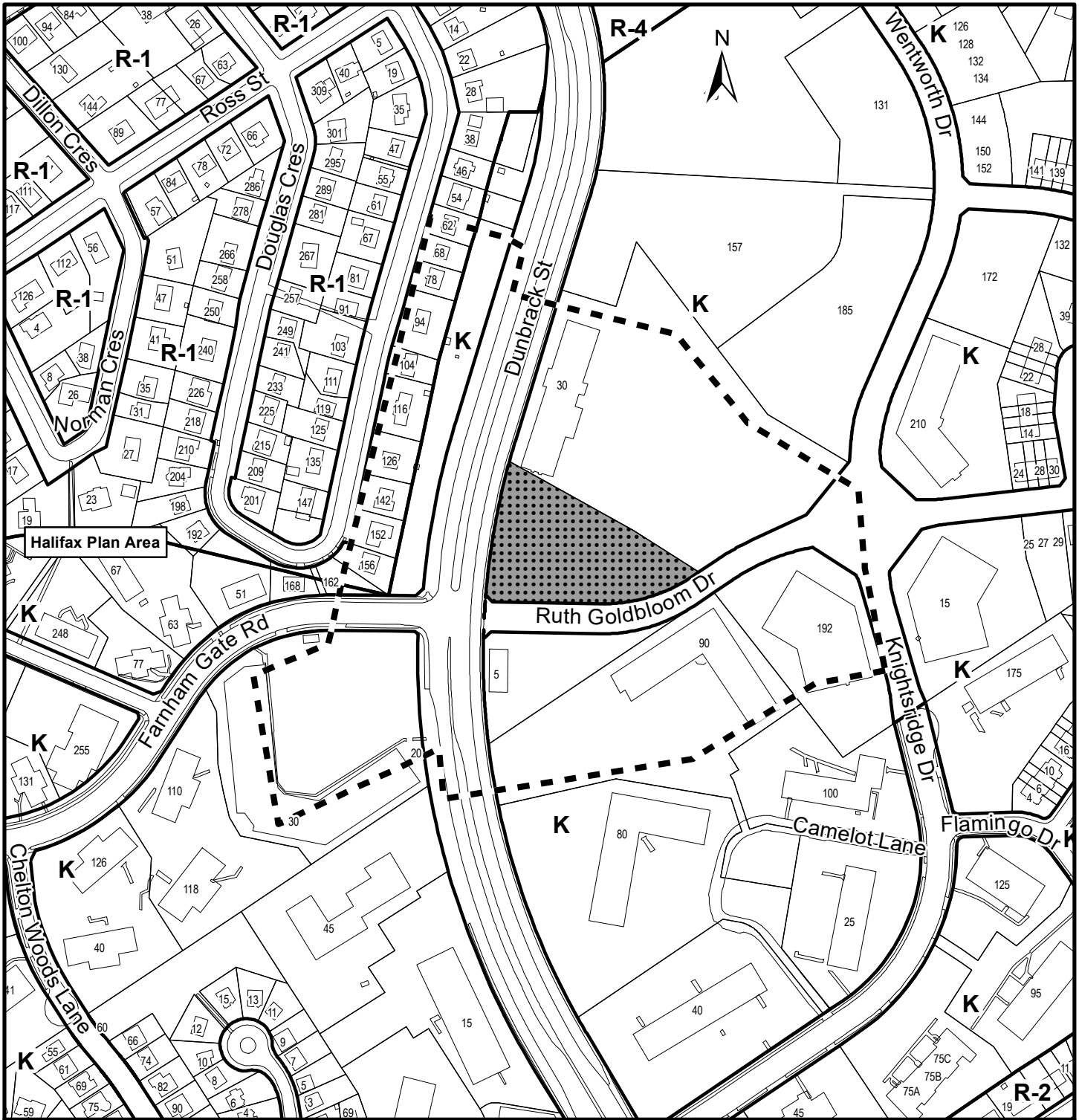
RES Residential Environments



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.


Halifax
Plan Area




Map 2 - Zoning and Notification

Rockingham South,
Halifax

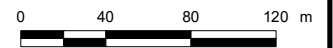
HALIFAX

 Area for a Substantive Amendment to the existing Phase 1 and 3 of the Rockingham South Development

 Area of Notification

Zone

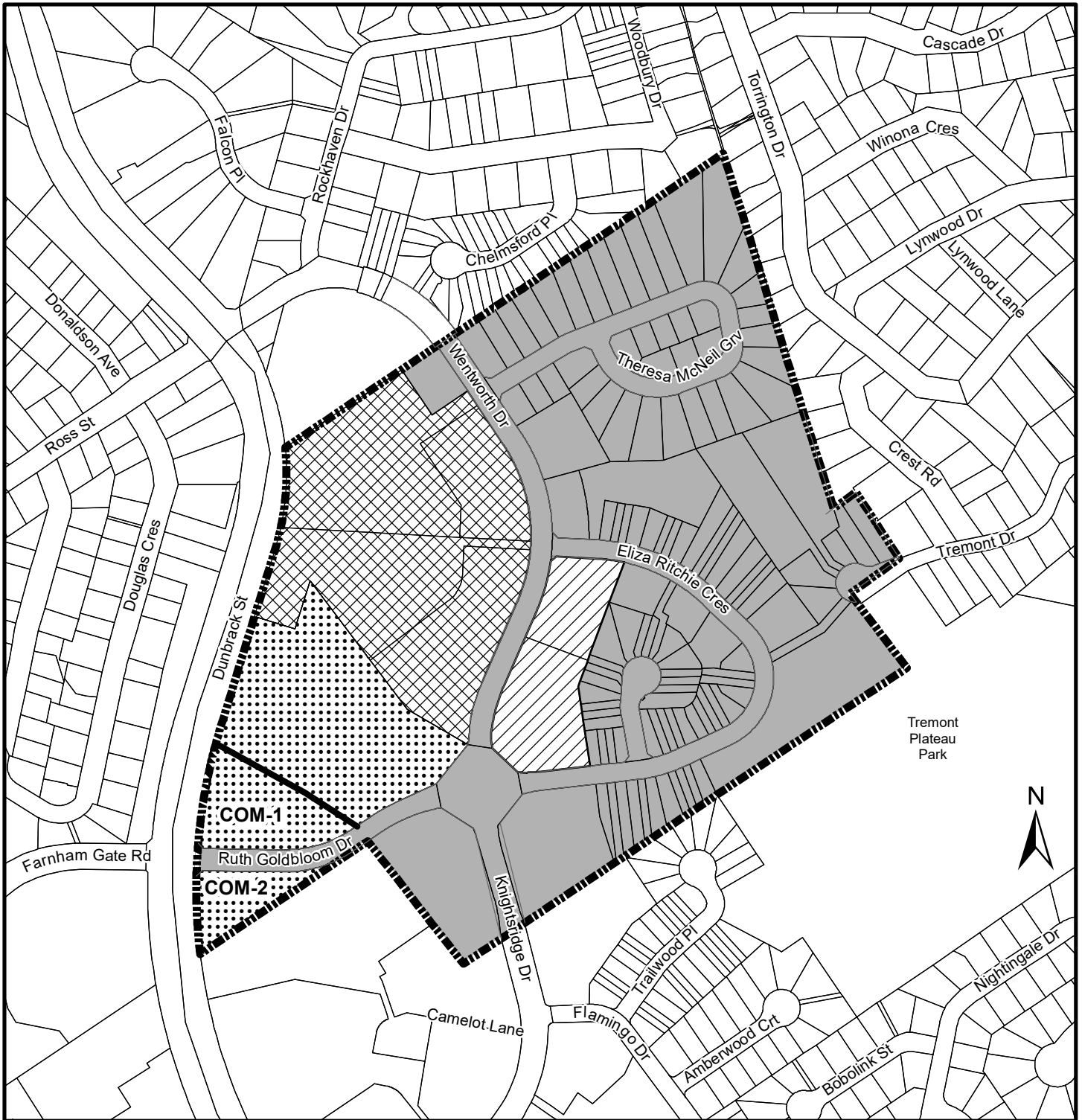
- K Schedule K
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R-4 Multiple Dwelling



Halifax Mainland
Land Use By-Law Area

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.






The accuracy of any representation on this plan is not guaranteed.



Map 3 - Phasing Plan for Rockingham South

HALIFAX

Rockingham South
Halifax

-  Area of Rockingham South Stage I development agreement
-  Area of Phase 1
-  Area of Phase 2
-  Area of Phase 3
-  Area of Phase 4



HRM does not guarantee the accuracy of any representation on this plan.

Halifax Mainland
Land Use By-Law Area

Attachment A: Proposed Amending Stage 1 Development Agreement

THIS SECOND AMENDING STAGE 1 AGREEMENT made this day of **[Insert Month]**,
20__,

BETWEEN:

(INSERT OWNER)

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

(INSERT ADJACENT PROPERTY OWNER 1)

a body corporate, in the Province of Nova Scotia

OF THE SECOND PART

- and -

(INSERT ADJACENT PROPERTY OWNER 2)

a body corporate, in the Province of Nova Scotia

OF THE THIRD PART

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands PID 41437567, along Dunbrack Street and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS **(Insert Adjacent Property Owner 1)** and **(Insert Adjacent Property Owner 2)** are the registered owners of certain lands located at PID 41437575 and PID 41407248 respectively and which said lands are more particularly described in Schedule B hereto (hereinafter called the "Adjacent Lands")

AND WHEREAS the Halifax and West Community Council approved an application to enter into a Stage I Development Agreement on March 18, 2013 to allow for a mixed-use development of Rockingham South (municipal case 17002) pursuant to Policy 3.3 of the Halifax MPS and Section 68 of the Halifax Mainland Land Use By-law, and which said Development Agreement was registered at the Land Registration Office in Halifax on May 22, 2013 as Document Number 103058039 (hereinafter called the "Original Stage 1 Agreement"), and which applies to the Lands and Adjacent Lands;

AND WHEREAS the Halifax and West Community Council approved an application to amend the Original Stage 1 Agreement on March 22, 2017 to remove the requirement for a 75%

residential occupancy in Phases 1 to 3 prior to a Stage II Development Agreement for Phase 4 on the Lands (municipal case 20375), which said Amending Development Agreement was registered at the Land Registration Office in Halifax on June 01, 2017 as Document Number 110841187 (hereinafter called the “First Amending Stage 1 Agreement”), and which does apply to the Lands and Adjacent Lands;

AND WHEREAS the Original Stage 1 Agreement and the First Amending Stage 1 Agreement together comprise the Existing Stage 1 Development Agreement (hereinafter called “the Existing Stage 1 Agreement”);

AND WHEREAS the Developer has requested further amendments to the Existing Stage 1 Agreement to allow for either a five-storey hotel or a multiple unit residential building with ground floor commercial to be included as permitted uses on the Lands pursuant to Section 6.1 of the Existing Stage 1 Agreement;

AND WHEREAS the Halifax and West Community Council approved this request at a meeting held on [Insert - Date], referenced as municipal case 22539;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

-
1. Except where specifically varied by this Second Amending Stage 1 Agreement, all other conditions and provisions of the Existing Stage 1 Agreement as amended shall remain in effect.
 2. The Developer agrees that the Lands and Adjacent Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Second Amending Stage 1 Agreement, and the Existing Stage 1 Agreement.
 3. The Existing Stage 1 Agreement shall be amended by inserting the following text as shown in bold immediately following Section 2.1:

2.2 Definitions Specific to this Agreement

2.2.1 The following words used in this Agreement shall be defined as follows:

- (a) **“Hotel” means premises licensed as a roofed accommodation in accordance with the *Tourist Accommodation Act*, S.N.S., 1994–1995, c.9, as amended, and may include a motel use or banquet facility use.**
 - (b) **“Minor Commercial Building” means a building used for any use permitted in the C-2A (Minor Commercial) Zone of the Halifax Mainland Land Use By-law.**
4. Section 3.1.1 of the Existing Agreement shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in bold as follows:

~~Schedule C — Concept Plan (Proposed Land Use)~~

Schedule C1 Concept Plan (Proposed Land Use)

5. The Existing Agreement shall be amended by deleting the following Schedule:

Schedule C Concept Plan (Proposed Land Use)

And inserting the following Schedule:

Schedule C1 Concept Plan (Proposed Land Use) (attached)
6. The Existing Agreement shall be amended by deleting all text references to Schedule C and replacing them with Schedule C1.
7. Section 3.2.1 of the Existing Stage 1 Agreement shall be amended by deleting and inserting the following text as shown in strikeout and bold as follows:
 - (h) Open space uses; and
 - (i) ~~Accessory uses to the foregoing Hotel; and~~
 - (j) **Accessory uses to the foregoing.**
8. Section 3.2.2 of the Existing Stage 1 Agreement shall be amended by deleting and inserting the following text as shown in strikeout and bold as follows:

3.2.2 The development shall be comprised of a mix of residential dwelling types as shown on Schedule C of this Agreement. No more than ~~828~~ **904** multiple unit residential dwelling units shall be permitted within the development.
9. Section 3.4.4 of the Existing Stage 1 Agreement shall be amended by deleting the text shown as strikeout in 3.4.4 (b) and inserting the text shown in bold immediately following 3.4.4 (h) as follows:
 - (b) Detailed design of the commercial buildings on parcels ~~COM-1 and COM-2~~, including the types of minor commercial uses to be permitted ~~in each building~~;
 - (i) **Detailed design of the building on parcel COM-1 which can be used as a hotel with optional minor commercial uses on the ground floor or as a multiple unit residential building with minor commercial on the ground floor.**
10. Section 3.7.10 of the Existing Stage 1 Agreement shall be amended by inserting the following text as shown in bold immediately following (a) as follows:

(aa) Notwithstanding 3.7.10 (a), the multiple unit residential building on parcel COM-1 shall not exceed five (5) storeys above average grade, not including mechanical equipment. The total height of the building shall not exceed 18.6 metres (61 feet).
11. Section 3.7.10 of the Existing Stage 1 Agreement shall be amended by inserting the following text as shown in bold immediately following (e) as follows:

(ea) Section 3.7.10 (e) shall not apply to the multiple unit residential building on parcel COM-1.

12. Section 3.7.11 of the Existing Stage 1 Agreement shall be amended by deleting and inserting the following text as shown in strikeout and bold as follows:
- (a) The maximum height of ~~the~~ **a minor commercial** building shall not exceed four (4) storeys above average grade- **and the maximum height of a hotel shall not exceed five (5) storeys above average grade.**
13. Section 3.8.1 of the Existing Stage 1 Agreement shall be amended by deleting an inserting the following text as shown in strikeout and bold as follows:
- 3.8.1 Residential density on the Lands shall not exceed ~~2,245~~ **2,408** persons as calculated by Section 3.8.4 of this Agreement.
14. Section 3.8.2 of the Existing Stage 1 Agreement shall be amended by inserting the following text as shown in bold as follows:
- 3.8.2 Further to Section 3.8.1 of this Agreement, the residential density for each phase shall not exceed the following:
- (a) Phase 1: 732 persons
 - (b) Phase 2: 369 persons
 - (c) Phase 3: 139 persons **for parcel MU-7 and 163 persons for parcel COM-1 for a total of 302 persons**
 - (d) Phase 4: 1005 persons
15. Section 3.8.3 of the Existing Stage 1 Agreement shall be amended by deleting an inserting the following text as shown in strikeout and bold as follows:
- 3.8.3 Further to Section 3.8.2, residential density may be transferred between phases up to 50 persons, provided that the overall total residential density does not exceed ~~2,245~~ **2,408** persons.
- 3.8.3A Notwithstanding Section 3.8.3, residential density may not be transferred to or from parcel COM-1 in Phase 3.**
16. Section 3.9 of the Existing Stage 1 Agreement shall be amended by deleting text and inserting the following text as shown in strikeout and bold as follows:
- ~~3.9.3 Minor commercial uses permitted under the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland shall only be permitted in the commercially designated area along Dunbrack Street as shown on Schedule C.~~
- 3.9.3 A hotel with minor commercial uses as permitted under the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland on the ground floor shall be permitted on parcel COM-1 as shown on Schedule C.**
- ~~3.9.4 In addition to Section 3.9.2 of this Agreement, the total gross floor area of the minor commercial uses permitted in Section 3.9.3 this Agreement shall not exceed 2,350 square metres (29,295.19 square feet).~~

- 3.9.4 Alternatively, parcel COM-1 may be developed as a multiple unit residential building and the ground floor of the proposed multiple unit residential building may be used for minor commercial uses permitted under the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland.
- 3.9.5 Minor commercial uses permitted under the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland shall be permitted on parcel COM-2 as shown on Schedule C.
- 3.9.6 The total gross floor area of the hotel permitted in Section 3.9.3, inclusive of any floor space on the ground floor dedicated to minor commercial uses, shall not exceed 7,600 square metres.
- 3.9.7 The total gross floor area of all minor commercial uses permitted in Sections 3.9.3, 3.9.4, and 3.9.5 of this Agreement shall not exceed 2,350 square metres. For further clarity, this total includes the floor area of any minor commercial uses on the ground floor of the hotel and any minor commercial uses and hotel space on the ground floor of the multiple unit residential building.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Adjacent Property Name 1)

Witness

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Adjacent Property Name 2)

Witness

SIGNED, DELIVERED AND ATTESTED to
by the proper signing officers of Halifax
Regional Municipality, duly authorized in that
behalf, in the presence of:

Witness

Witness

HALIFAX REGIONAL MUNICIPALITY

Per: _____
MAYOR

Per: _____
MUNICIPAL CLERK
Iain MacLean

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

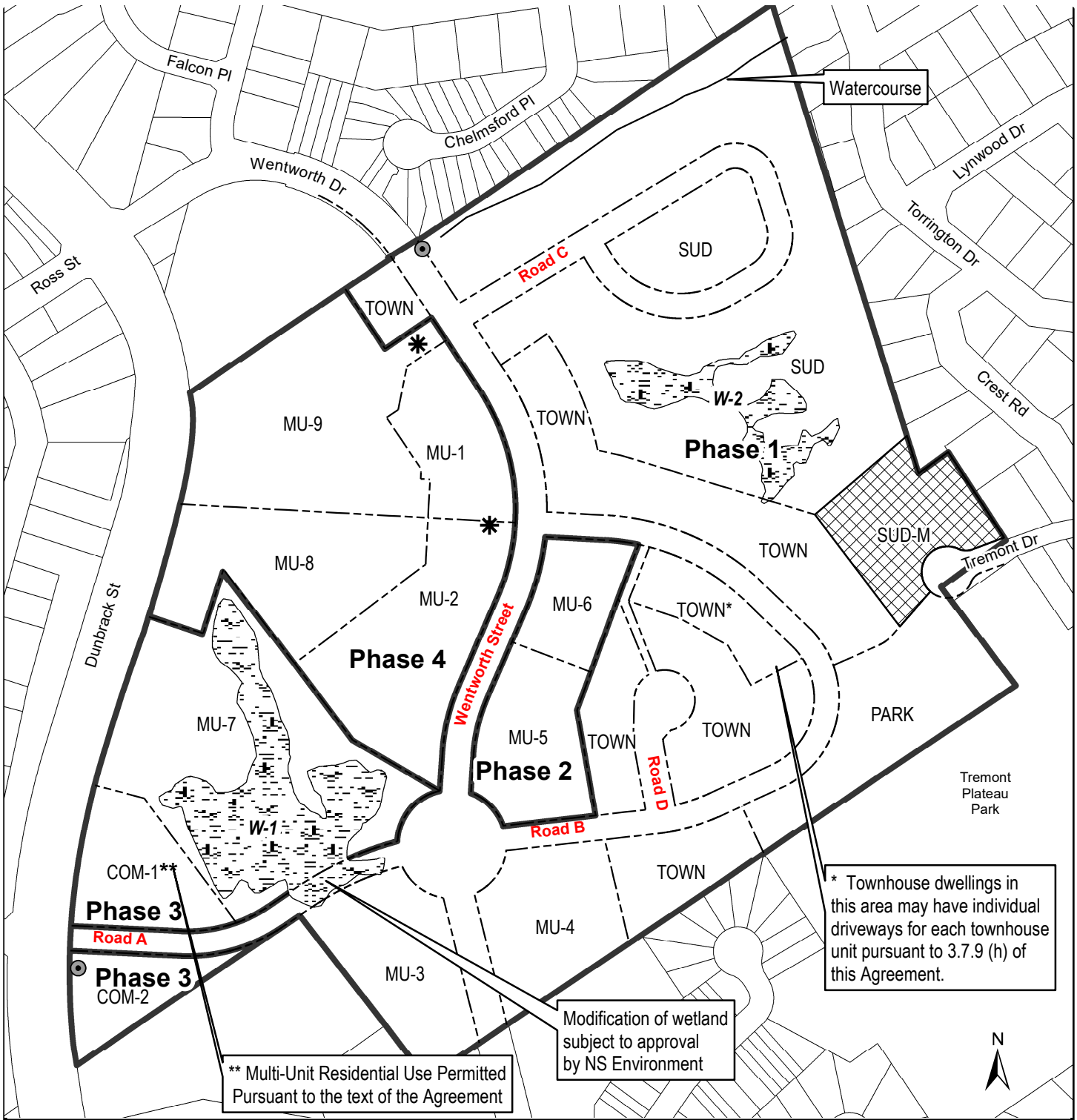
On this ____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this ____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Iain MacLean, Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.




A Commissioner of the Supreme Court
of Nova Scotia



Schedule C1 - Proposed Land Use

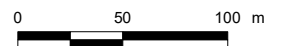
Rockingham South
Halifax

HALIFAX

-  Wetland
-  Approximate location of driveway
-  Community sign

Land Use

- SUD Single Unit Dwelling
- SUD-M Modified Single Unit Dwelling
- TOWN Townhouses
- MU Multi-unit Residential
- COM Commercial
- PARK Parkland



Halifax Mainland Land Use By-Law Area

HRM does not guarantee the accuracy of any representation on this plan.

Attachment B: Proposed Amending Stage 2 Development Agreement

THIS SECOND AMENDING STAGE 2 AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

(INSERT OWNER)

a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

(INSERT ADJACENT PROPERTY OWNER 1)

a body corporate, in the Province of Nova Scotia

OF THE SECOND PART

- and -

(INSERT ADJACENT PROPERTY OWNER 2)

a body corporate, in the Province of Nova Scotia

OF THE THIRD PART

-and-

HALIFAX REGIONAL MUNICIPALITY

a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE FOURTH PART

WHEREAS the Developer is the registered owner of certain lands located at PID 41437567, along Dunbrack Street, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS **(Insert Adjacent Property Owner 1)** and **(Insert Adjacent Property Owner 2)** are the registered owners of certain lands located at PID 41437575 and PID 41407248 respectively and which said lands are more particularly described in Schedule B hereto (hereinafter called the "Adjacent Lands")

AND WHEREAS the Halifax and West Community Council approved an application to enter into a Stage I Development Agreement to allow for a mixed-use development of Rockingham South (municipal case 17002) pursuant to Policy 3.3 of the Halifax MPS and Section 68 of the Halifax Mainland Land Use By-law, and which said Development Agreement was registered at the Land Registration Office in Halifax on May 22, 2013 as Document Number 103058039 (hereinafter called the "Original Stage 1 Agreement"), and which applies to the Lands and Adjacent Lands;

AND WHEREAS the Halifax and West Community Council approved an application to enter into a Stage 2 Development Agreement to allow the development of Phase 1 with single unit dwellings, townhouse style dwellings, and 2 multiple unit residential buildings on June 17, 2014 (municipal case 18834), which said Development Agreement was registered at the Land Registration Office in Halifax on August 21, 2014 as Document Number 105643622 (hereinafter called the "Original Stage 2 Agreement for Phase 1"), which does not apply to the Lands nor Adjacent Lands;

AND WHEREAS the Halifax and West Community Council approved an application to amend the Original Stage 2 Agreement for Phase 1 to allow a maximum of 6 units within a townhouse block and to allow ground floor local business uses in two multiple unit dwellings on April 19, 2016 (municipal case 19554), which said Amending Agreement was registered at the Land Registration Office on July 7, 2016 as Document Number 109221060 (hereinafter called the "First Amending Stage 2 Agreement for Phase 1", which does not apply to the Lands nor Adjacent Lands;

AND WHEREAS Halifax and West Community Council approved an application to enter into a Stage 2 Development Agreement to allow for the development of Phase 2 with one (1) mixed use building and one (1) multiple unit residential building on April 19, 2016 (municipal case 19554), which said Development Agreement was registered at the Land Registration Office in Halifax on July 4, 2016 as Document Number 109198466 (hereinafter called the "Original Stage 2 Agreement for Phase 2"), which does not apply to the Lands nor Adjacent Lands;

AND WHEREAS the Halifax and West Community Council approved an application to enter into a Stage 2 Development Agreement to allow for the development of Phase 3 with two (2) minor commercial buildings and one (1) multiple unit residential building on April 19, 2016 (municipal case 19554), which said Development Agreement was registered at the Land Registration office in Halifax on June 30, 2016 as Document Number 109187824 (hereinafter called the "Original Stage 2 Agreement for Phase 3"), which does apply to the Lands and Adjacent Lands;

AND WHEREAS the Halifax and West Community Council approved an application to amend the Original Stage 1 Agreement remove the requirement for a 75% residential occupancy in Phases 1 to 3 prior to a Stage 2 Development Agreement for Phase 4 on the Lands on March 22, 2017 (municipal case 20375), which said Amending Development Agreement was registered at the Land Registration Office in Halifax on June 1, 2017 as Document Number 110841187 (hereinafter called the "First Amending Stage 1 Agreement"), and which does apply to the Lands and Adjacent Lands;

AND WHEREAS the Halifax and West Community Council approved an application to amend the Existing Stage 2 Agreement for Phase 3 to allow a service station on the Lands on October 10, 2017 (municipal case 20758), which includes the Lands, which said Amending Agreement was registered at the Land Registration Office in Halifax on December 11, 2017 as Document Number 11866803 (hereinafter called the "First Amending Stage 2 Agreement for Phase 3"), which does not apply to the Lands nor Adjacent Lands;

AND WHEREAS the Halifax and West Community Council approved an application to enter into a Stage 2 Development Agreement to allow for the development of Phase 4 with four (4) multiple-unit residential buildings on the Lands on September 12, 2017 (municipal case 20359), which said Development Agreement was registered at the Land Registration Office in

Halifax on October 23, 2017 as Document Number 111612553 (hereinafter called the “Original Stage 2 Agreement for Phase 4”), and which does not apply to the Lands nor Adjacent Lands;

AND WHEREAS the Original Stage 2 Agreement for Phase 3 and the First Amending Stage 2 Agreement for Phase 3 together comprise the Existing Stage 2 Development Agreement (hereinafter called “the Existing Stage 2 Agreement for Phase 3”);

AND WHEREAS the Developer has requested further amendments to the Existing Stage 2 Agreement for Phase 3 to allow for a hotel use or multiple unit residential building with ground floor commercial on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter*, Policy 3.3 of the Halifax Municipal Planning Strategy, Section 68 of the Halifax Mainland Land Use By-law, and the Amended Stage 1 Agreement;

AND WHEREAS the Halifax and West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal case Number 22539;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. Except where specifically varied by this Second Amending Agreement, all other terms, conditions and provisions of the Existing Stage 2 Agreement for Phase 3 shall remain in effect.
2. Section 2.2.1 of the Existing Stage 2 Agreement for Phase 3 shall be amended by inserting the following text as shown in bold as follows:

(d) “Hotel” means premises licensed as a roofed accommodation in accordance with the *Tourist Accommodation Act, S.N.S., 1994–1995, c.9, as amended, and may include a motel use or banquet facility use.*

3. Section 3.1 of the Existing Stage 2 Agreement for Phase 3 shall be amended by deleting the text shown in ~~strikeout~~ and inserting the text as shown in bold as follows:

Schedule A Legal Description of the Lands
~~Schedule B Site Plan – Commercial 1~~
Schedule B1 Site Plan – Hotel or Multiple Unit Residential Building with Minor Commercial on COM-1
~~Schedule C Site Plan – Commercial 1 (Enlarged)~~
~~Schedule D Front and Rear Elevations – Commercial 1~~
Schedule D1 Front and Rear Elevations – Hotel or Multiple Unit Residential Building with Minor Commercial on COM-1
~~Schedule E Side Elevations – Commercial 1~~
Schedule E1 Side Elevations – Hotel or Multiple Unit Residential Building with Minor Commercial on COM-1
Schedule G1 Site Plan – Commercial 2
Schedule H1 Front and Rear Elevations – Commercial 2
Schedule I1 Side Elevations – Commercial 2
Schedule J Site Plan – MU-7
Schedule K Site Plan – MU-7 (Enlarged)
Schedule L East Elevation (Front) – MU-7

- Schedule M West Elevation (Rear) – MU-7
- Schedule N North Elevation (Side) – MU-7
- Schedule O South Elevation (Side) – MU-7
- Schedule P Subdivision Plan – COM – 2 and MU - 7

4. The Existing Stage 2 Agreement for Phase 3 shall be amended by deleting the following Schedules:

- Schedule B Site Plan – Commercial 1
- Schedule C Site Plan – Commercial 1 (Enlarged)
- Schedule D Front and Rear Elevations – Commercial 1
- Schedule E Side Elevations – Commercial 1

And inserting the following Schedules:

- Schedule B1 Site Plan – Hotel or Multiple Unit Residential Building with Minor Commercial on COM-1
- Schedule D1 Front and Rear Elevations – Hotel or Multiple Unit Residential Building with Minor Commercial on COM-1
- Schedule E1 Side Elevations – Hotel or Multiple Unit Residential Building with Minor Commercial on COM-1

5. The Existing Stage 2 Agreement for Phase 3 shall be amended by deleting all text references to Schedule B, Schedule C, Schedule D, and Schedule E. References to Schedules B, D, and E will be replaced with the respective reference to Schedule B1, Schedule D1, and Schedule E1.

6. Section 3.3.1 of the Existing Stage 2 Agreement for Phase 3 shall be amended by deleting text shown in ~~strikeout~~, and inserting the text in **bold** as shown as follows:

- ~~(a) two (2) commercial buildings containing minor commercial uses as permitted under the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland;~~
- ~~(b) one (1) multiple unit residential building containing:

 - ~~(i) ground floor community facility uses;~~
 - ~~(ii) ground floor local business uses as permitted under the C-1 (Local Business) Zone of the Land Use By-law for Halifax Mainland; and~~~~
- ~~(c) accessory uses to the foregoing.~~

For parcel COM-1, the following:

- (a) one (1) commercial building containing:

 - (i) a hotel, which may include minor commercial uses on the ground floor as permitted under the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland; or****
- (b) one (1) multiple unit residential building containing:

 - (i) minor commercial uses on the ground floor as permitted under the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland; and****
- (c) any accessory uses to the foregoing.**

For parcel COM-2, the following:

- (a) one (1) minor commercial building containing minor commercial uses as permitted under the C-2A (Minor Commercial) Zone of the Land Use By-law for Halifax Mainland; and
- (b) any accessory uses to the foregoing.

For parcel MU-7, the following:

- (a) one (1) multiple unit residential building containing:
 - (i) ground floor community facility uses;
 - (ii) ground floor local business uses as permitted under the C-1 (Local Business) Zone of the Land Use By-law for Halifax Mainland; and
- (b) accessory uses to the foregoing.

7. Section 3.3.2 of the Existing Stage 2 Agreement for Phase 3 shall be amended by deleting text shown in strikeout and inserting the text in bold as shown as follows:

3.3.2 The residential density for Phase 3 shall not exceed ~~139.5~~ **302.5** people **of which 139.5 people shall be allocated to parcel MU-7 and 163 people shall be allocated to parcel COM-1.** Residential density shall be calculated as follows:

- (a) Multiple unit residential building (and mixed use building containing residential units):
 - (i) Bachelor: 1 person
 - (ii) 1 bedroom: 2 persons
 - (iii) 2+ bedrooms: 2.25 persons

8. Section 3.4.3 of the Existing Stage 2 Agreement for Phase 3 shall be amended by deleting text shown in strikeout, and inserting the text in bold as shown as follows:

~~Minor Commercial Buildings~~

~~3.4.3 The location, size and design of the two (2) minor commercial buildings shall be in conformance with Schedules B through I of this Agreement. Slight variations to setbacks shall be permitted under the discretion of the Development Officer provided no portion of the building is closer than 3.05 metres (10 feet) to a property line.~~

Commercial Buildings

3.4.3 The location, size, and design of the two (2) commercial buildings shall be in conformance with:

- (a) Schedules B1 through E1 for parcel COM-1; and
- (b) Schedules G1 through I1 for parcel COM-2.

Slight variations to setbacks shall be permitted under the discretion of the Development Officer provided no portion of the building is closer than 2.82 metres (9.25 feet) to a property line.

9. Section 3.4.4 of the Existing Stage 2 Agreement for Phase 3 shall be amended by inserting the following text as shown in bold as follows:

Multiple Unit Residential Buildings

3.4.4 The multiple unit residential buildings shall include Indoor Amenity Space for the residents of the building. Indoor Amenity Space **for parcel MU-7** shall be a minimum of 83.61 square metres (900 square feet). **Indoor Amenity Space for parcel COM-1 shall be a minimum of 100 square metres (1076.4 square feet).**

10. Section 3.4.5 of the Existing Stage 2 Agreement for Phase 3 shall be amended by inserting the text in bold as shown as follows:

3.4.5 The location size and design of the multiple unit residential buildings shall be in conformance with Schedules **B1 through E1 of this Agreement for parcel COM-1 and Schedules J through O for parcel MU-7** of this Agreement. The maximum height of the building **on parcel MU-7** shall not exceed seven (7) storeys above average grade, not including mechanical equipment, penthouses, enclosed amenity space, and a basement, and shall not exceed a height of 29 metres (95.14 feet). **The maximum height of the building on parcel COM-1 shall not exceed five (5) storeys above average grade, including penthouses and enclosed amenity space, but not including mechanical equipment and a basement and shall not exceed a height of 18.6 metres (61 feet).** Slight variations to setbacks shall be permitted under the discretion of the Development Officer provided no portion of the building **on parcel MU-7** is closer than 6.1 metres (20 feet) to a property line **and no portion of the building on COM-1 is closer than 2.82 metres (9.25 feet) to a property line, except along Dunbrack Street, where the building shall not be closer than 4.4 metres (14.33 feet) to the Dunbrack streetline.**

11. Section 3.7.1 of the Existing Stage 2 Agreement for Phase 3 shall be amended by inserting the text in bold as shown as follows:

3.7.1 Vehicular access to the multiple unit residential building **on parcel MU-7** shall be provided by a Common Shared Private Driveway as generally shown on Schedules B, C, G1, J, and K of this Agreement.

12. Section 3.7.4 of the Existing Stage 2 Agreement for Phase 3 shall be amended by inserting the text in bold as shown as follows:

3.7.4 Pedestrian access to the multiple unit residential building **on parcel MU-7** shall be provided by a Common Shared Private Walkway System as shown on Schedules B, C, G1, J, and K of this Agreement.

13. Section 3.7.11 of the Existing Stage 2 Agreement for Phase 3 shall be amended by deleting the text shown in strikeout, and inserting the text in bold as shown as follows:

- 3.7.11 Bicycle parking for the ~~minor~~ commercial buildings and the multiple unit residential buildings shall be provided as required by the Halifax Mainland Land Use By-law, as amended from time to time.
14. Section 3.9.1 of the Existing Stage 2 Agreement for Phase 3 shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold as follows:
- 3.9.1 Prior to the issuance of a Development Permit for each of the ~~minor~~ commercial buildings and the multiple unit residential buildings, the Developer shall provide a Landscape Plan which complies with the provisions of this section and conforms with the overall intentions of the Landscaping shown on Schedules B, C, G1, J, and K of this Agreement. The Landscape Plan shall be prepared by a Landscape Architect (a full member in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section.
15. Section 3.9.3 of the Existing Stage 2 Agreement for Phase 3 shall be amended by deleting the text shown in ~~strikeout~~, and inserting the text shown in bold as follows:
- Prior to the issuance of any Occupancy Permit for each of the ~~minor~~ commercial buildings and the multiple unit residential buildings, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.
16. Section 3.11.1 of the Existing Stage 2 Agreement for Phase 3 shall be amended by inserting the text shown in bold as follows:
- (a) A maximum of two (2) ground signs shall be permitted on the Lands for the purposes of identifying the multiple unit residential building **on parcel MU-7 and a maximum of one (1) ground sign shall be permitted on the Lands for the purposes of identifying the multiple unit residential building on parcel COM-1;**
17. Section 3.12.1 of the Existing Stage 2 Agreement for Phase 3 shall be amended by deleting the text shown in ~~strikeout~~ as follows:
- (a) A maximum of two (2) commercial ground signs shall be permitted on the Lands for the purposes of identifying the ~~minor~~ commercial buildings. No more than one (1) commercial ground sign shall be permitted on a lot;

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Registered Owner Name)

Witness

SIGNED, SEALED AND DELIVERED in the presence of:

Per: _____

(Insert Adjacent Property Name 1)

Witness

SIGNED, SEALED AND DELIVERED in the presence of:

(Insert Adjacent Property Name 2)

Witness

SIGNED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

MAYOR

Witness

MUNICIPAL CLERK

Witness

HALIFAX REGIONAL MUNICIPALITY

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

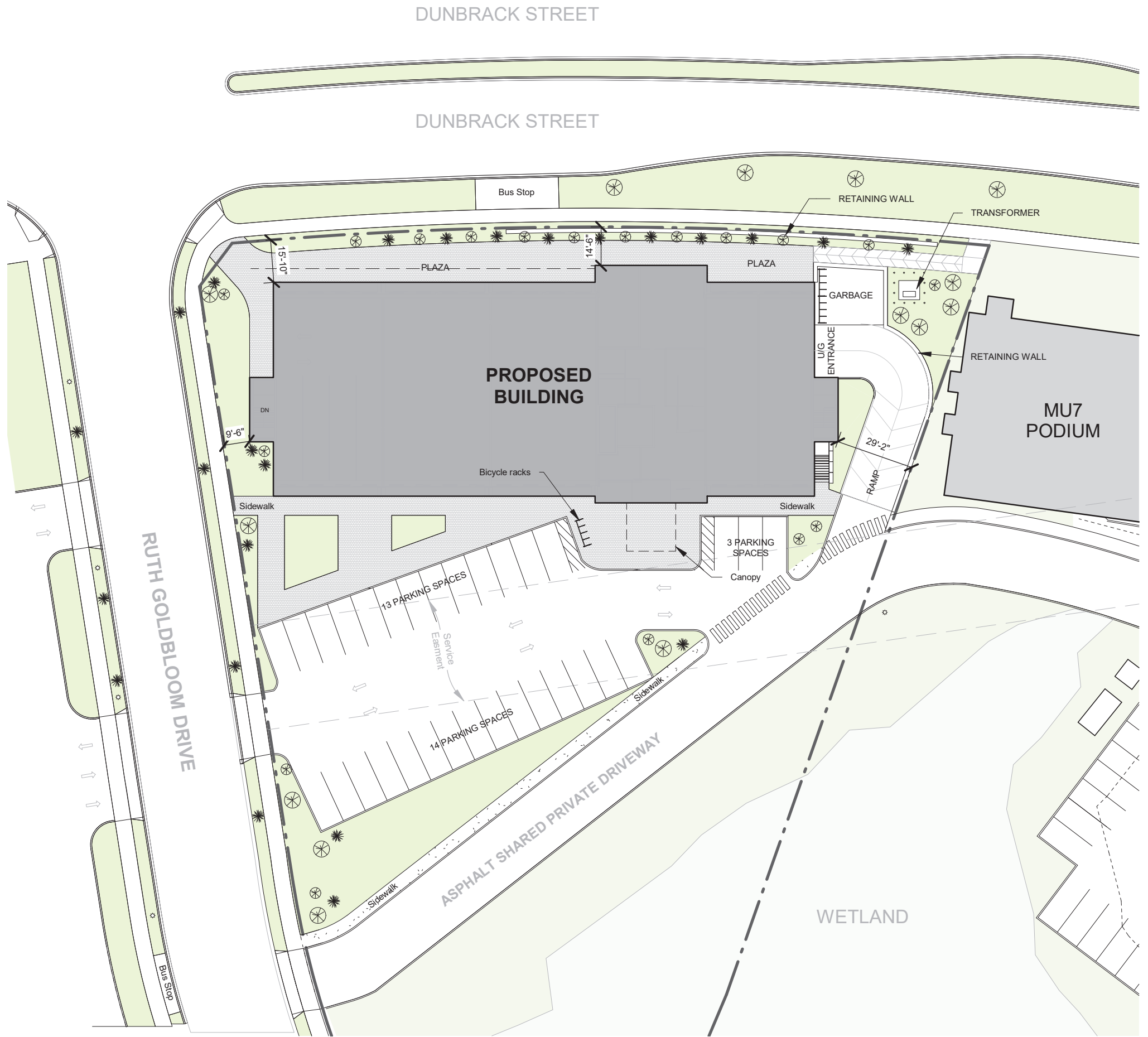
On this _____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that _____ of the parties thereto, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court
of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX

On this _____ day of _____, A.D. 20____, before me, personally came and appeared _____, the subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that Mike Savage, Mayor and Iain MacLean Clerk of the Halifax Regional Municipality, signed the same and affixed the seal of the said Municipality thereto in his/her presence.

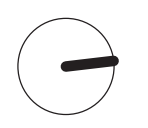
A Commissioner of the Supreme Court
of Nova Scotia



ROCKINGHAM SOUTH MU-10
 Ruth Goldbloom Drive, Halifax NS

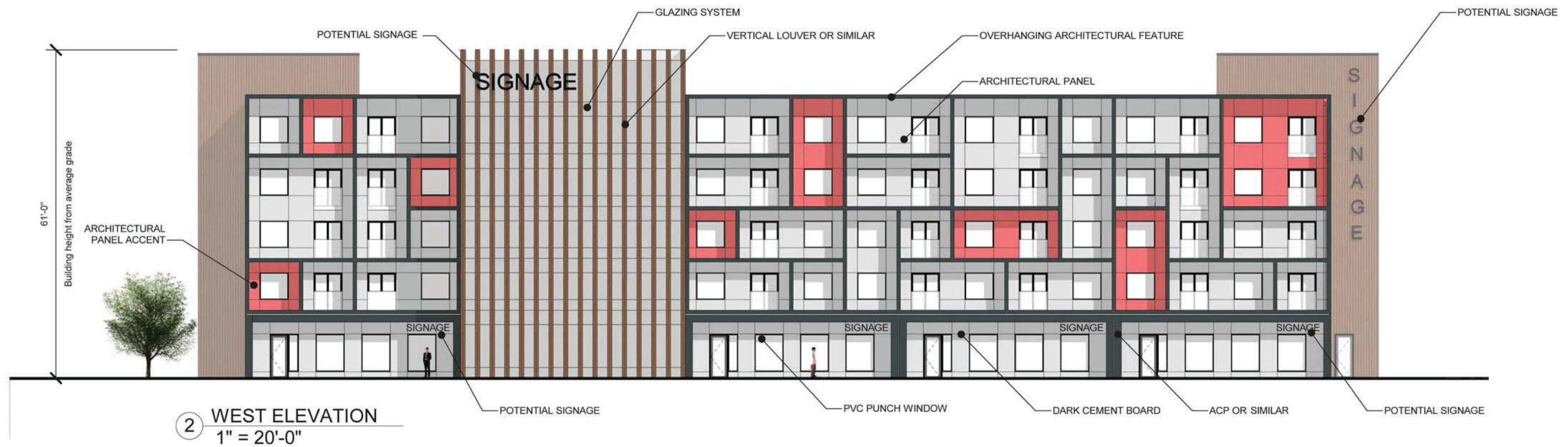
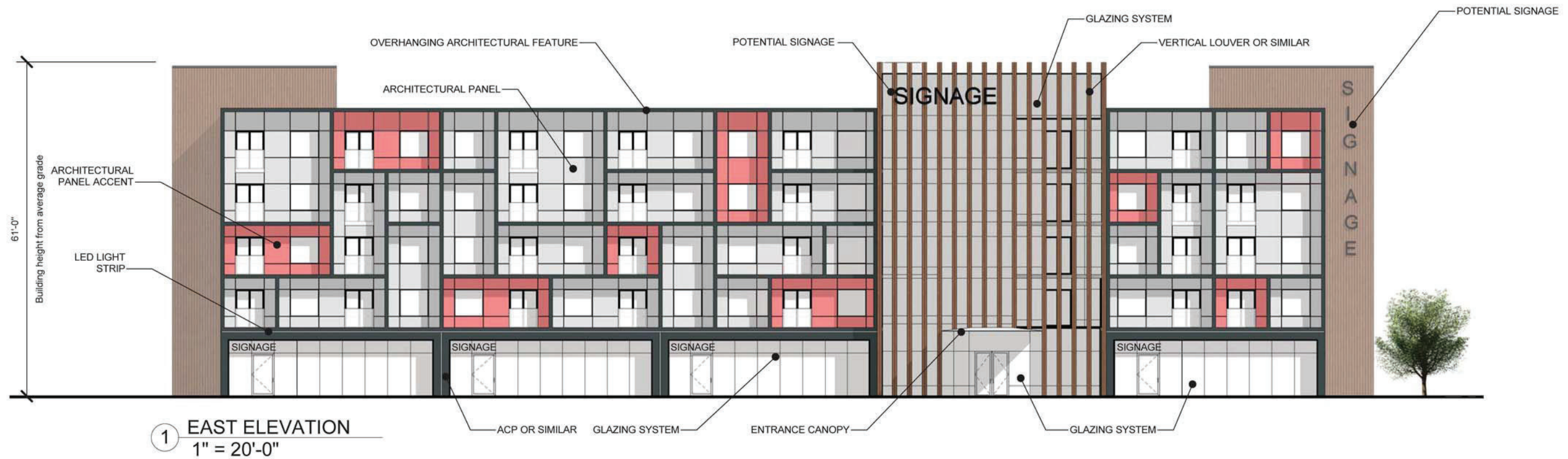
SCHEDULE B1
 SITE PLAN - Hotel or Multiple Unit Residential Building with
 Minor Commercial on COM-1

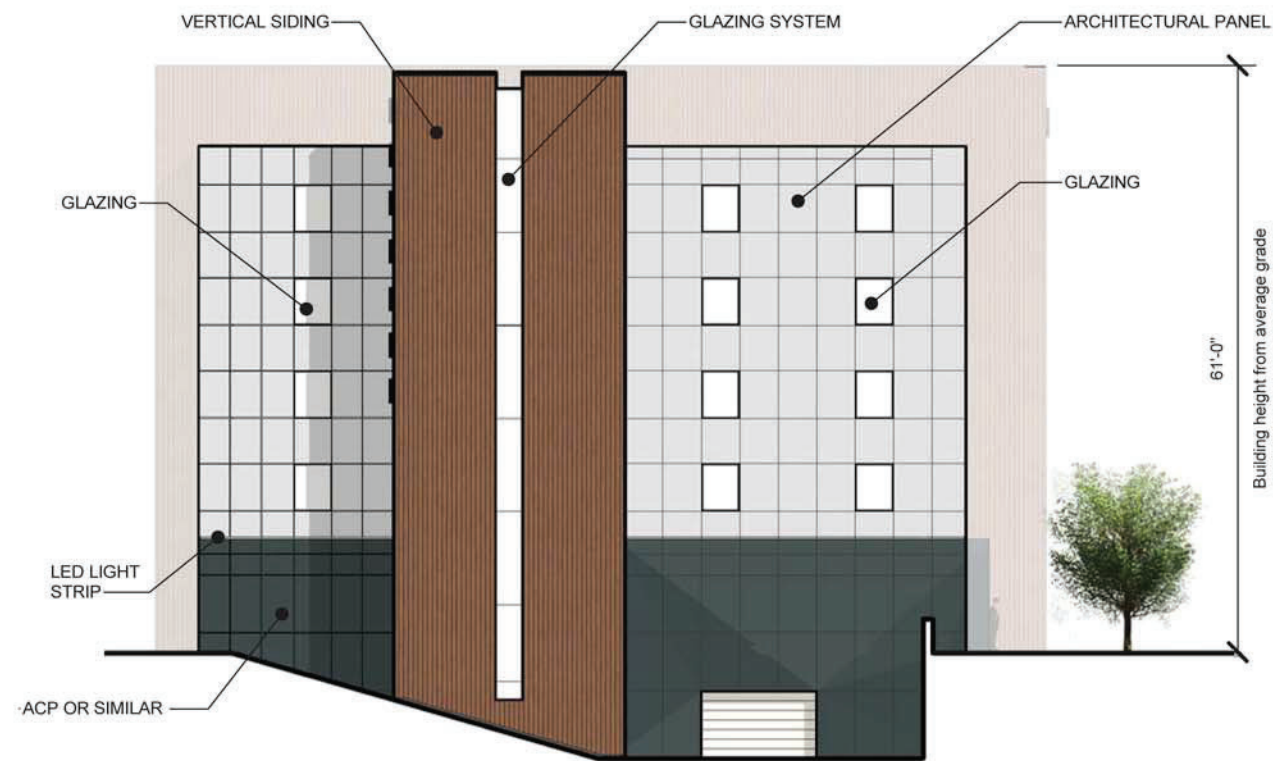
Project No: 2020-00
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 Date: 23-Apr-21 11:45:15 AM



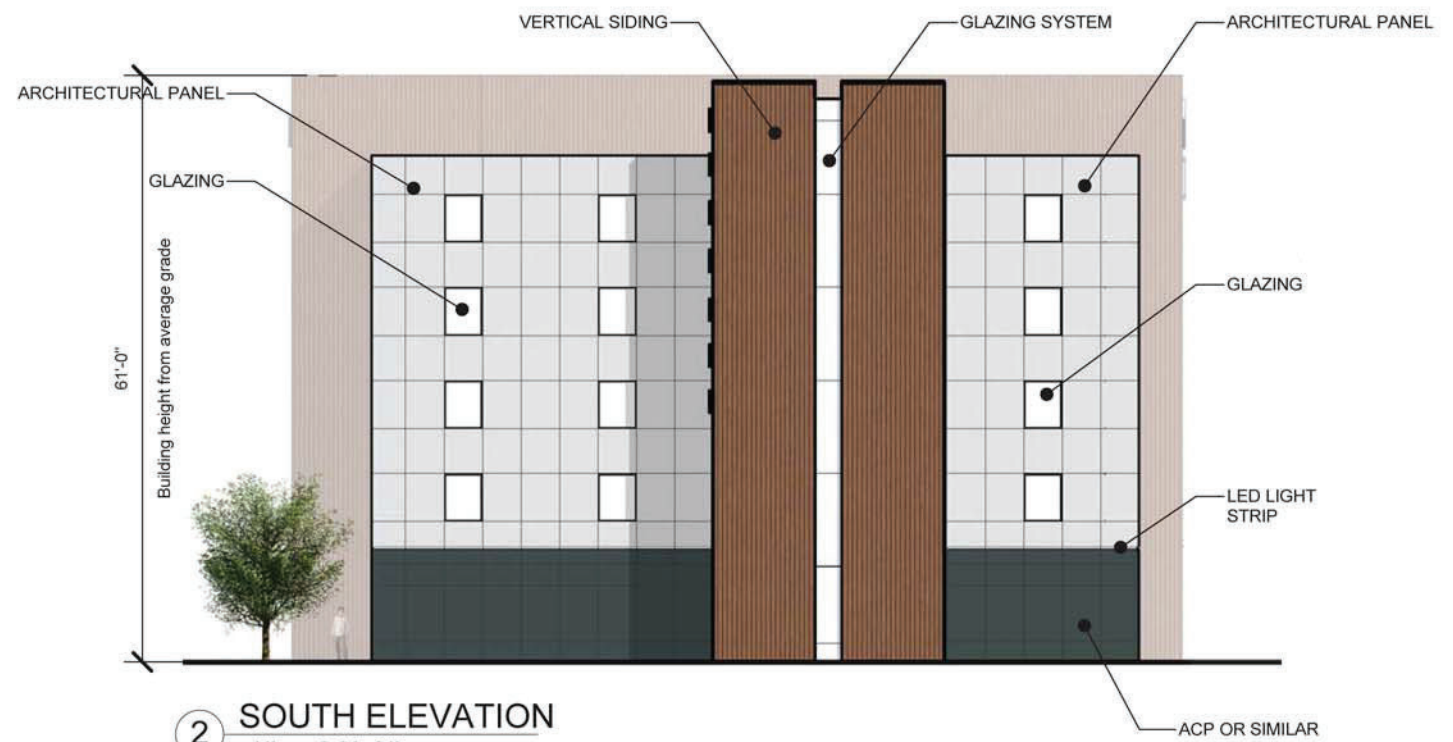
WM FARES
 ARCHITECTS

D1





1 NORTH ELEVATION
1" = 20'-0"



2 SOUTH ELEVATION
1" = 20'-0"



Attachment C: Review of Relevant Policies from the Halifax Municipal Planning Strategy

SECTION II CITY-WIDE OBJECTIVES AND POLICIES

Part 2: Residential Environments	
<i>Objective: The provision and maintenance of diverse and high-quality housing in adequate amounts, in safe residential environments, at prices which residents can afford.</i>	
Policy	Staff Comment
<p>Policy 2.1 <i>Residential development to accommodate future growth in the City should occur both on the Peninsula and on the Mainland and should be related to the adequacy of existing or presently budgeted services.</i></p>	<p>The existing agreements cap the population density for the lands. The proposed amendments will increase the permitted population to accommodate the additional residential units should the developer choose to build the multi-unit dwelling. This policy is not applicable should the site be developed for commercial purposes only. However, both the proposed commercial and residential development have been reviewed and the existing services are adequate.</p> <p>The studies provided under this application and previous applications have been reviewed and it has been determined the existing services are adequate for both development options.</p>
<p>Policy 2.1.2 <i>On the Mainland, residential development should be encouraged to create sound neighbourhoods through the application of a planned unit development process and this shall be accomplished by Implementation Policy 3.3. It is the intention of the City to prepare and adopt a planned unit development zone subsequent to the adoption of this Plan.</i></p>	<p>See comments for Implementation Policy 3.3. During the development process for the existing Stage I and Stage II agreements, the site was designated for commercial development and reviewed against this policy. The original review remains valid. However, the policy has been reassessed to contemplate the site being developed as residential with ground floor commercial.</p> <p>In terms of use, the proposed amendment allows either residential – with limited commercial – or stand-alone commercial. Permitting two development options creates flexibility in how the site can be used. During the COVID-19 pandemic, the tourism industry and some commercial enterprises have been negatively impacted. By allowing the site to be used for commercial or residential with ground floor commercial the site can be developed to adapt to meet the needs of the market.</p> <p>The design, scale, and particular uses – elements that contribute to sound development – are</p>

	<p>evaluated below. In summary the proposed building and uses are suitable for the site and the area in general.</p>
<p>Policy 2.2 <i>The integrity of existing residential neighbourhoods shall be maintained by requiring that any new development which would differ in use or intensity of use from the present neighbourhood development pattern be related to the needs or characteristics of the neighbourhood and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>Policy 3.1 – Repealed June 6, 1990 Policy 3.2 – Deleted June 16, 2009</p> <p>The existing Stage I and Stage II agreements direct minor commercial uses towards the intersection of Ruth Goldbloom Drive and Dunbrack Street to build on the existing commercial node at the intersection of Farnham Gate Road and Dunbrack Street. Lower density residential development was directed adjacent to the established low density residential. Higher density residential has been focused toward the internal area surrounding the roundabout and between Dunbrack Street and Wentworth Street/Knightsbridge Drive.</p> <p>The multi-unit dwellings in the immediate area are of similar height and bulk to the proposed hotel/multi-unit dwelling. Increasing the height of the building one-storey to five storeys in a neighbourhood with six and seven storey multi-unit dwellings remains in character with the planned development pattern. While the floor area is proposed to increase significantly, making it larger than the gas station across the street, the hotel and multi-unit dwelling will blend with the massing and design of the surrounding multi-unit dwellings. The commercial nature of the hotel compliments the established commercial node, while a multi-unit dwelling with ground floor commercial contributes to the commercial node and fits well within the primarily residential environment of the area.</p> <p>The additional floor area for the hotel is not anticipated to change the intensity of the commercial activity on the site or in the larger neighbourhood. The floor area dedicated to each individual guest at a hotel is larger than the floor area required for a guest at a restaurant or an employee of an office building. There is the option to have minor commercial uses on the ground floor of the hotel and the multi-unit dwelling, but the floor area will be limited. Hotels of a similar size have</p>

	<p>been built on nearby Scheduled K lands where there exists a similar residential and commercial mix (e.g., Kearney Lake Road and Parkland Drive). These hotels fit within the development pattern and provide a service for residents and visitors. Some have minor commercial uses, such as a restaurant, at grade.</p> <p>In summary, it is not anticipated that the integrity of the surrounding residential neighborhood will be impacted by permitting a hotel or a multi-unit dwelling with ground floor commercial on the site.</p>
<p>Policy 2.4 <i>Because the differences between residential areas contribute to the richness of Halifax as a city, and because different neighbourhoods exhibit different characteristics through such things as their location, scale, and housing age and type, and in order to promote neighbourhood stability and to ensure different types of residential areas and a variety of choices for its citizens, the City encourages the retention of the existing residential character of predominantly stable neighbourhoods, and will seek to ensure that any change it can control will be compatible with these neighbourhoods.</i></p>	<p>The existing Stage I agreement has established the general uses and development pattern for the Schedule K zoned lands. Through the process of establishing the Stage I and Stage II agreements, the relationship of the lands with the existing established neighbourhood was taken into account. The land uses, the location of these uses, and the parameters around the built form were chosen to achieve compatibility and functionality within the existing development pattern.</p> <p>The subject site is designated for commercial development. An amendment to permit a hotel is not anticipated to have any additional effect on the character of the neighbourhood. If the hotel has minor commercial uses at grade, those uses will help to support and compliment the commercial node. The hotel's massing is similar to and compatible with the surrounding multi-unit dwellings.</p> <p>The proposed amendment also enables the site to be developed as a multi-unit dwelling with commercial uses at grade. Because the site is in a mixed-use area, a multi-unit dwelling with ground floor commercial would be compatible. It would build on the existing development pattern of multi-unit dwellings along Ruth Goldbloom Drive. It would also be a similar scale to the surrounding multi-unit dwellings.</p>
<p>Policy 2.4.1 <i>Stability will be maintained by preserving the scale of the neighbourhood, routing future principal streets around rather than through them,</i></p>	<p>Policy 3.1 – Repealed June 6, 1990 Policy 3.2 – Deleted June 16, 2009</p>

<p><i>and allowing commercial expansion within definite confines which will not conflict with the character or stability of the neighbourhood, and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>This policy was reviewed and satisfied under the applications for the existing Stage I and Stage II agreements. These agreements established how specific Schedule K zoned lands would be developed, including the location of minor commercial development, the amount of floor area for commercial development, and the massing and siting of the commercial buildings.</p> <p>The proposed amendment will enable a larger development – both in terms of square footage and height – than currently permitted, and as such the policy warrants being re-evaluated.</p> <p>The scale of the surrounding development varies from low rise residential to the western side of Dunbrack Street to six and seven storey multi-unit dwellings immediately to the north and east. Directly abutting the site to the north is a seven storey, multiple unit dwelling. The nearby multi-unit dwellings are part of the same development agreement and are designed to a similar scale as the proposed development. Because the site is a corner lot at an intersection with established commercial development and because it is part of a development with larger multi-unit dwellings, it is appropriate to have the larger development to frame the intersection and build on the existing development pattern within the Rockingham South development.</p> <p>Minor commercial development was strategically located at the corner of Ruth Goldbloom Drive and Dunbrack Street. The commercial sites build on existing commercial development at Farnham Gate Road and Dunbrack Street and are easily accessible from a principal street that connects to Highway 102 and downtown Halifax. The scale of the proposed commercial development fits within the existing development pattern in the area. It is not anticipated that the expansion to the commercial development would conflict with the character and stability of the neighbourhood.</p>
<p>Policy 2.6 <i>The development of vacant land, or of land no longer used for industrial or institutional purposes</i></p>	<p>Policy 3.1 – Repealed June 6, 1990 Policy 3.2 – Not applicable</p>

<p><i>within existing residential neighbourhoods shall be at a scale and for uses compatible with these neighbourhoods, in accordance with this Plan and this shall be accomplished by Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>The subject site is vacant former industrial land that was re-zoned to Schedule K to be developed through development agreements as set out in the Implementation Policies. Stage I and Stage II agreements are already in place. These agreements provide parameters around the general land uses, density, and scale of buildings. The subject site is designated commercial and permitted to have a four-storey building with minor commercial uses as permitted under the C-2A Zone of the Halifax Mainland Land Use By-law. The request is to amend the agreement to permit either a five-storey, 7,600 square metre hotel with the option for minor commercial uses at grade or as a five-storey, 76-unit multi-unit dwelling with ground floor commercial.</p> <p>As detailed under Policy 2.2 of the City-Wide Policies, the immediate surrounding properties are developed with multi-unit dwellings of similar in height and mass as the proposed development. Throughout the Clayton Park area, similarly sized hotels and multi-unit dwellings exist.</p>
<p>Part 3: Commercial Facilities <i>Objective: The provision of commercial facilities appropriately located in relation to the City, or to the region as a whole, and to communities and neighbourhoods within the City.</i></p>	
<p>Policy</p>	<p>Staff Comment</p>
<p>Policy 3.1.2 <i>Minor commercial centres should service several neighbourhoods. They should locate along principal streets with adequate provision for pedestrian, transit, service and private automobile access. Parking provision should be allowed on surface lots servicing single businesses, as long as conditions preclude nuisance impact on adjacent residential areas. Access to any parking area from the principal street should be controlled. The City should define the geographic limits of minor commercial centres and shall encourage contiguity of commercial or associated uses within those limits. Minor commercial centres should offer a wider range of services than neighbourhood shopping facilities including local office, restaurants, cinemas, health centres and multiservice centres. Notwithstanding any other policy in the Municipal Planning Strategy or</i></p>	<p>The Stage I and Stage II development agreements permit minor commercial uses at the intersection of Dunbrack Street and Ruth Goldbloom Drive. These commercially designated lands build on the existing commercial node at the corner of Dunbrack Street and Farnham Gate Road. The minor commercial uses are limited to uses permitted in the C-2A (Minor Commercial) Zone of the Halifax Mainland Land Use By-law. Hotels are not considered a minor commercial use. For a hotel to be considered a permitted use, it has to be added to the list of permitted commercial uses through a substantive amendment to the Stage I development agreement.</p> <p>Section 68(3)(a) of Schedule K states Council may consider provision for commercial uses in accordance with the policies of the Municipal</p>

<p><i>Secondary Planning Strategies, billboards advertising off-site goods and services shall be prohibited in Minor Commercial areas. This policy shall serve as a guideline in rezoning decisions in accordance with Implementation Policies 3.1 and 3.2 as appropriate.</i></p>	<p>Planning Strategy. Section 68(4) of Schedule K allows for commercial uses, of which hotels are considered, on Schedule K lands.</p> <p>There are other hotels on nearby Schedule K lands, subject to Stage I and Stage II development agreements. There are two hotels two kilometres away at the intersection of Highway 102 and Kearney Lake Road in a commercial node adjacent to low- and high-density residential development. A hotel on the subject site fits within the existing neighbourhood in terms of scale and use. A hotel will serve residents and visitors and generate traffic for the existing businesses. The proposal is to allow minor commercial uses at grade with both the hotel option and the multi-unit dwelling option, which will compliment and support the commercial node around the intersection.</p> <p>The subject site fronts on Dunbrack Street, an identified principal street, connecting to Highway 102 and to downtown Halifax. Vehicular access to the building and parking area is from Ruth Goldbloom Drive. Parking for the development will be contained on the site through a combination of surface and underground parking.</p>
IMPLEMENTATION POLICIES	
Policy	Staff Comment
<p>Policy 3.3 <i>For the residentially designated undeveloped areas of Mainland North, the City shall, pursuant to Section 38(2)(p) of the Planning Act, establish such development regulations as are necessary to implement the policies of this Plan.</i></p>	<p>The subject site is designated Residential Environments and is located in Mainland North. The existing Stages I and II agreements enable commercial development on the subject site. The agreements regulate what commercial uses are permitted and provide specific regulations about how the site can be developed (e.g., setbacks, height, floor area). The agreements also regulate residential population density by limiting the number of persons.</p> <p>The policies of the MPS enable Council to substantively amend the Stage I agreement to allow a hotel or a multi-unit residential dwelling on parcel COM-1. The policies speak generally about development being of a scale, intensity, and use appropriate and compatible with the surrounding</p>

	<p>community. The proposal has been assessed against the applicable policies of the MPS and deemed to generally conform with the policies. Proposed amendments to the Stage I and Stage II agreements to enable the proposed development have been drafted based on the policies.</p>
<p>Policy 3.3.1 <i>Further to Policy 3.3 above, these areas shall be identified on the zoning map and within such areas no development permit shall be issued unless the proposed development has been approved by a resolution of Council, and further, except under an agreement with Council pursuant to Section 34(1) of the Planning Act.</i></p>	<p>The subject property is zoned Schedule K and is identified as such on the zoning map. Stage I and Stage II development agreements are in place to enable and control development. A public hearing is required for Council to consider the proposed substantive amendment to the Stage I development agreement. The amendment to the Stage II agreement is considered non-substantive and can be approved by resolution of Council.</p>
<p>Policy 3.3.2 <i>Further to Policy 3.3.1 above, the purpose for which land within these areas is to be developed shall be primarily residential, and an emphasis shall be placed on a mix of housing types, shall include provision for local commercial uses that are intended to serve the residents of the immediate area, and shall include provision for automobile, transit and pedestrian circulation and an emphasis on conservation of natural environment features including lakes and waterways, mature trees and natural topographic features. In addition to the above, City Council may consider provision for minor commercial uses in accordance with Policy 3.1.2 in Section II, provided that such uses are consistent with the policies of this Plan, are compatible in design form and function with comprehensively planned development and with development adjacent to a comprehensively planned development, and that such uses are located in such manner as to be in accord with Policy 2.4.1 of Section II, as the principles of said policy may apply to areas of vacant land.</i></p>	<p>The existing Stage I and Stage II agreements identify how the lands are to be developed, including provisions for circulation and for conservation of the natural environment. These agreements designate the subject site as commercial and permit minor commercial uses. This policy was reviewed when the previous agreements were written. As such, the review of this policy is focused on the addition of a hotel as a permitted use and on permitting a multi-unit dwelling development.</p> <p>The policy states minor commercial uses may be considered in accordance with Policy 3.1.2 of Section II. Policy 3.1.2 of Section II states minor commercial uses do not include hotels. However, for Schedule K zoned lands, commercial uses are permitted, and Council may consider provisions for commercial uses in accordance with the policies of the Municipal Planning Strategy.</p> <p>The proposed hotel is deemed to be consistent with the policies of this Plan and compatible in design form and function with the planned development and surrounding community. The suitability and compatibility of the use and form for the neighbourhood are explored in more detail under other policies.</p>

	<p>Developing the site as a multi-unit residential building also aligns with the policy. The policy emphasizes the lands should primarily be developed for residential purposes. With the flexibility to develop the site as a multi-unit dwelling and ground floor commercial, additional residential units could be added to the area and the ground floor commercial will contribute to the commercial node and serve the residents of the area. The Stage I agreement has provisions to develop the lands with mix of housing types: multi-unit dwellings, townhouses, and single unit dwellings.</p> <p>A multi-unit dwelling with ground floor commercial contributes to the mix of housing types in the area. Alternatively, a five-storey hotel with optional ground floor commercial is a compatible commercial development for the site. The proposed amendments are consistent with this policy.</p>
<p>Policy 3.3.4 <i>In entering into agreements pursuant to Policy 3.3.1 above, Council shall be guided by the policies contained in Section II of this Plan and shall not enter into agreements which are inconsistent with the policies of this Plan.</i></p>	<p>The proposal is reasonably consistent with Section II of the Halifax MPS.</p>
<p>Policy 3.3.5 <i>Prior to entering into any agreements pursuant to Policy 3.3.1, Council shall advertise its intention to do so and shall hold a public hearing at which time any objections shall be heard.</i></p>	<p>A public hearing is required for Council to consider the proposed substantive amendment to the Stage I development agreement. The amendment to the Stage II agreement for Phase 3 is considered non-substantive, and therefore a public hearing is not required.</p>

Halifax Mainland Land Use Bylaw

Schedule "K"

- 68(1) Any area of land shown as Schedule "K" shall be a Comprehensive Development District.
- 68(2) No development permit shall be issued for a development in a Schedule "K" unless the proposed development has been approved by a resolution of Council.
- 68(3)(a) The purpose for which land within a Schedule "K" area is to be developed shall be

primarily residential, and an emphasis shall be placed on a mix of housing types; shall include provision for local commercial uses that are intended to serve the residents of the immediate area, and community facilities for the use of residents in the immediate area; and shall include provision for automobile, transit, and pedestrian circulation; and an emphasis on conservation of natural environment features including lakes and waterways, mature trees, and natural topographic features. In addition to the above, Council may consider provision for commercial uses in accordance with the policies of the Municipal Planning Strategy.

68(3)(b) Notwithstanding clause (a), pursuant to Section II, Policy 3.3 of the Municipal Development Plan, the lands designated commercial on the east of Bicentennial Drive at the Bayers Lake Interchange shall be developed primarily as a mixed commercial/residential area.

68(4) For greater certainty, but without limiting the general powers of Subsection 68(3) above, the following uses may be permitted;

- (a) detached one family dwellings;
- (b) semi-detached dwellings;
- (c) duplex dwellings;
- (d) apartment houses;
- (e) attached houses;
- (f) public park or playground;
- (g) commercial uses;
- (h) local commercial uses intended for the use of residents of the immediate area;
- (i) a community centre;
- (j) golf course;
- (k) notwithstanding Section (h) above, regional scale retail uses, including large format outlets, shall only be permitted on those lands situated at the south-east quadrant of the Lacewood Drive/Bicentennial Drive interchange; and
- (l) uses accessory to any of the foregoing uses.

68(5) An application for a development permit in any Schedule "K" area shall be submitted in two stages, the first stage of which shall be a tentative plan that shall include the following information for the entire area of land owned by the applicant which is designated as Schedule "K":

- (a) A plan to a scale of 1" = 100', or 1" = 40', showing the following information:
 - (i) The location of the various uses and their areas;
 - (ii) Delineation of the various residential areas indicating for each such area its size and location, number of dwelling units (including number of bedrooms for each unit), types of dwelling units (i.e., townhouse, apartments, single family dwellings), parking layout and population density;
 - (iii) The location, size, shape, and surface treatment of public and private open spaces;

- (iv) The proposed interior roadway system and connection to existing roadways including location of bus bays;
 - (v) Topography of the area showing contour intervals of not more than five feet of elevation, as well as an indication of soil coverage of the site;
 - (vi) All existing and proposed rights-of-way and easements, either public or private, within the area;
 - (vii) Description, size and location of the proposed community cultural facilities, community centres, etc.;
 - (viii) Description, size and location of proposed local commercial uses intended for the use of residents of the immediate area;
 - (ix) The uses and ownership of land abutting the area in question;
 - (x) A key plan with a scale between 1" = 200' and 1" = 1,320' showing the location of the site in relation to the surrounding communities;
 - (xi) General indication of how the phasing and scheduling is to proceed, if phasing is intended for the project.
- (b) A plan to a scale of 1" = 100' and 1" = 40' showing an outline of the existing and proposed:
- (i) roadways, walkways, rights-of-way and easements;
 - (ii) sanitary sewer system;
 - (iii) storm sewer system;
 - (iv) water system;
 - (v) surface drainage and means of disposal of the water;
 - (vi) street and walkway lighting;
 - (vii) telecommunication system;
 - (viii) electrical distribution system.
- (c) A plan showing the overall drainage areas contributing to the flows of the area in question.

68(6) After holding a public hearing and considering the plan proposal submitted under Subsection 68(5), Council shall determine whether the applicant may proceed to final approval and on what conditions, if any, Council may refuse the proposal where, in the opinion of Council, the proposal is inconsistent with the purposes of Schedule "K" or Section 5 of this by-law.

- 68(7) In the event that Council does not refuse the application, the applicant shall provide:
- (a) such information as required by Sections 63 and 64 of the by-law for that portion of the proposal for which the applicant is applying for a development permit;
 - (b) such additional information (final servicing plans, survey plan, etc.) as may be required by the Development Officer;
 - (c) the terms of the proposed agreement pursuant to Subsection (8).

- 68(8) Approval by Council under Section 68(6) shall only be granted subject to the condition that the registered owner of the land upon which the development is to occur shall enter into an agreement with Council containing such terms and conditions as Council may direct.
- 68(9) Council shall consider the application for final approval and shall either approve the development or notify the applicant of the objectionable features of the final plan.

WHAT WE HEARD

Summary of Feedback for Planning Application Case 22539 Rockingham South, Halifax

Public consultation was conducted through a mailout to neighbouring property owners and tenants. In the first week of November 2019, HRM postcards requesting comments and feedback on a proposal for a five-storey hotel were mailed to approximately 245 addresses within the notification radius. The postcards gave a brief overview of the proposal and directed interested parties to the HRM website where copies of the plans and letter of rationale were posted. The postcards directed comments or requests for further information to the HRM Planning staff contact at the bottom of the card.

The applicant significantly changed their proposal following the first engagement period, so a second round of engagement was carried out. On December 4, 2020, a postcard requesting comments and feedback on a proposal for a five-storey hotel with commercial on the ground floor or a five-storey apartment building with commercial on the ground floor was mailed to approximately 243 addresses within the same notification radius. Again, the postcards gave a brief overview of the proposal and directed interested parties to the HRM website for copies of the plans. The postcards directed comments or requests for further information to the HRM Planning staff contact at the bottom of the card.

Because the first round of engagement sought feedback on a proposal for a five-storey hotel, which is still one option in the amended proposal, the feedback about the hotel has been included in this summary. Below are summaries of both the comments from the first and second round of engagement.

Summary of Feedback for the Five-Storey Hotel, November 2019

Ten (10) responses were received from the residents within the notification radius, three (3) phone calls, six (6) emails, and one (1) mailed letter. Of the feedback received four (4) were positive towards the proposal and six (6) were negative towards the proposal. Additionally, a petition signed by 24 residents of 30 Ruth Goldbloom Drive, Halifax was submitted to the Clerks office on November 18th, 2019 in opposition to the proposal. The petition outlined that the undersigned oppose the requested amendments and asked that the existing development agreement be maintained for a low rise commercial development.

The positive feedback was consistent between the four (4) received; there was no objection to the inclusion of the use or additional height. The feedback expressed that finishing the development would allow residents to begin enjoying the area and neighbourhood. One resident was curious to know the approximate timelines of the proposal and when the building would be

ready. Another resident had concerns around the intersection of Dunbrack Street and Ruth Goldbloom Drive, but no complaints regarding the proposed use or changes to the development agreement. One resident believed the design, form, and use will be a good fit on the site and looks forward to the development in the neighbourhood nearing completion.

The negative feedback focused on three main issues: traffic, height, and suitability. Of the six (6) comments received, three (3) raised concerns regarding traffic, four (4) brought up concerns regarding the height, and four (4) brought up concerns regarding the suitability of the use on the commercial site in the residential neighbourhood. The concerns around traffic related to the increase near the intersection, the increase of traffic to the traffic circle, and the speed of Dunbrack Street. Residents of the area have stated the intersection and traffic circle are both very busy and the additional traffic from this proposal, and the other properties under development, will make the situation worse.

Concerns relating to the height centred around the change between the existing permitted building height in the Stage 2 agreement versus the height of the hotel proposal. Residents who commented on the height stated they were told when moving into the neighbourhood the building would be a two to three storey local commercial building and are against any change to the existing proposed commercial building in the Stage 2 agreement. Concerns around suitability of the proposal are related to what has been advertised to go into that location, one resident noted there are already hotels available, responses noted a hotel is not needed for the area or appropriate for the residential neighbourhood and that a three storey or less commercial use should be on the site.

Summary of Feedback for the Five-Storey Hotel or Apartment Building with Ground Floor Commercial, December 2020 – January 2021

Ten (10) responses were received from residents during the second round of engagement. Two (2) respondents wanted clarification about what is being proposed. One (1) said they could not say whether they are for or against without knowing the tenants who will occupy the building, but noted the undeveloped site is currently an eye sore. One (1) wanted clarification but noted they had no issue with the proposed change, had supported the original proposal, but are looking for clarification about what would be built. Six (6) had generally negative feedback about the proposal.

The six (6) respondents with negative feedback cited different reasons for being against the hotel and the apartment building, including noise, traffic, blocked views, transient population (hotel), and suitability. Three (3) said they did not think the site is suitable for a hotel, noting there are already lots of hotels in the area or the area is primarily residential. Another said they think there are too many apartment buildings in the area. Two (2) said the hotel will generate too much traffic and one of the two also thinks the apartment building will generate too much traffic too. Two (2)

noted they think a hotel will create too much noise, and another said the apartment building will generate more noise to an already noisy intersection. One (1) said they are concerned the hotel will attract a transient population and undesirable activities. And two (2) said they will lose their sun – and in one case view of trees too.

Two (2) of the six (6) respondents who voiced issues with the proposal do not want the site developed at all; they would prefer it be a park. The other four (4) who responded are against changing the agreement. Although one (1) said they would be okay with a four-storey apartment building if the hotel option was removed and another (1) said they would marginally prefer an apartment building over a hotel and like the idea of having some retail.